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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,345	08/18/2000	Nobuyuki Nakano	24350	7207

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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,345

Applicant(s)

NAKANO, NOBUYUKI

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9,14-25,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,14-25,27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: "pressure receiving position" (lines 8-9) should read "pressure receiving portion". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-6, 8, 9, 14-20, 25, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,795,019 to Wieclawski.

Wieclawski discloses a seatback that includes all the limitations recited in claims 1, 4-6, 8, 9, 14-20, 25, 27, and 28. Wieclawski shows a seatback having a seatback frame 28 (Fig. 1), a cross frame 44 (Fig. 2) fixed to the side frames, a headrest member (Fig. 2) with a supporting member 30 (Fig. 2) including an I-shaped pressure receiving portion 42 (Fig. 2) and a holder 8 (Fig. 2), a pivotal element 32 (Fig. 2) rotatably supported on the cross frame having stopper faces, and a biasing means 40 (Fig. 2).

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wieclawski in view of U.S. Patent No. 5,884,968 to Massara.

Wieclawski discloses a seatback that is basically the same as that recited in claims 7, and 22-24 except that the pressure receiving portion lacks a resin cover and hook, as recited in the claims. Massara shows a seatback similar to that of Wieclawski wherein the pressure receiving portion 60 (Fig. 2) has a resin cover 70 (Fig. 3) with hooks biasing the support member 76,78 (Fig. 3) to an original position. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seatback of Wieclawski such that the pressure receiving member has a resin cover with a hook for biasing the supporting member to an original position, such as the seatback disclosed in Massara. One would have been motivated to make such a modification in view of the suggestion in Massara that the resin cover with hooks provides forward support in the event of a sudden acceleration.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wieclawski.

Wieclawski discloses a seatback that is basically the same as that recited in claim 21 except that the resilient spring is does not bridge the side frames, as recited in the claim. However, it would have been an obvious matter of design choice to shift the

direction of the springs 40 (Fig. 2) from a vertical direction to a horizontal direction bridging the side frame because shifting the location and direction of parts is generally held within the level of general skill within the art.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 4-9, 14-25, 27 and 28 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


JE

June 10, 2002


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600